No. 14-915

IN THE

Supreme Court of the United States

REBECCA FRIEDRICHS; SCOTT WILFORD; JELENA FIGUEROA; GEORGE W. WHITE, JR.; KEVIN ROUGHTON; PEGGY SEARCY; OSE MANSO; HARLAN ELRICH; KAREN CUEN; IRENE ZAVALA; and CHRISTIAN EDUCATORS ASSOCIATION INTERNATIONAL,

Petitioners,

v.

CALIFORNIA TEACHERS ASSOCIATION, *et al.*,

Respondents.

On Petition For A Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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Cases

Abood v. Detroit Board of Education,
431 U.S. 209 (1977) ..... *passim*

Harris v. Quinn,
134 S. Ct. 2618 (2014) 3

Knox v. Service Employees International Union,
132 S. Ct. 2227 (2012) 3

Other Authorities

5 Ways Teacher Unions Advocate for Students, Educators (Education Votes) http://educationvotes.nea.org/2012/05/01/5-ways-teacher-unions-advocate-for-students-educators 9

9 Billionaires are about to Remake New York's Public Schools, Joseph, George, The Nation, March 19, 2015, http://www.thenation.com/article/9-billionaires-are-about-remake-new-yorks-public-schools-heres-their-story/ 19

Andrew Cuomo calls for Review of Common Core, Newsday, September 3, 2015, http://www.newsday.com/long-island/education/andrew-cuomo-calls-for-review-of-common-core-standards-curriculum-tests-1.10805427 17

Page(s)

Becca Habegger, KCS Educators, Parents Concerned about Teacher Contract Renewal Process (2015) WBIR 10 1 July 2015. Web. http://www.wbir.com/story/news/local/2015/06/04/kcs-educators-parents-voice-concerns-about-teacher-contract-renewal-process/28455039/. 24

Center for Economic and Policy Research, Unionization Yields Significant Gains in Pay and Benefits for Women Workers (2013), http://www.cepr.net/press-center/press-releases/unionization-yields-significant-gains-in-pay-and-benefits-for-women-workers..... 25

Centers for Disease Control, Injury Prevention and Control: Division of Violence Prevention. 13 May. 2014. Web. http://www.cdc.gov/violenceprevention/acestudy/index.html 18

Controversial teacher evaluation method is on trial — literally — and the judge is not amused. Washington Post, August 15, 2015, https://www.washingtonpost.com/news/answer-sheet/wp/2015/08/15/controversial-teacher-evaluation-method-is-on-trial-literally-and-the-judge-is-not-amused/ 16-17

Page(s)

Cuomo Calls Public School System a Monopoly He wants to Bust, Washington Post, Valerie Strauss, The Answer Sheet, October 29, 2015, https://www.washingtonpost.com/blogs/answer-sheet/wp/2014/10/29/cuomo-calls-public-school-system-a-monopoly-he-wants-to-bust/ 19, 26-27

Hailey Holloway, Non-renewed Knox County Teacher Speaks to School Board (2015) WATE 6 3 July 2015. Web. http://wate.com/2015/06/03/non-renewed-knox-county-teacher-speaks-to-school-board/ 23

History (American Federation of Teachers) http://www.aft.org/about/history 8

John Higgins, I-1351: Proposal Would Cut Class Sizes, Cost Billions (2014) Seattle Times 11 Oct. 2014, Education sec. Web. http://www.seattletimes.com/seattle-news/i-1351-proposal-would-cut-class-sizes-cost-billions/ 9

Kristin Rawls, 6 Reasons Teachers Unions Are Good for Kids (2012). Alternet 17 Aug. 2012. Web. http://www.alternet.org/6-reasons-teachers-unions-are-good-kids 14

Page(s)

Lahey, Jessica. "How Teachers Help Students Who've Survived Trauma." The Atlantic 2 Dec. 2014. Web. http://www.theatlantic.com/education/archive/2014/12/how-teachers-help-kids-heal/383325/. 18

Lawrence Mishel, Unions, Inequality, and Faltering Middle-class Wages, (2012) Economic Policy Institute 29 Aug. 2012. Web. http://www.epi.org/publication/ib342-unions-inequality-faltering-middle-class/ 25

Martin Luther King, Jr., speech to the state convention of the Illinois AFL-CIO, Oct. 7, 1965 http://www.notable-quotes.com/l/labor_unions_quotes.html#A2mUMlje2RYg5fba.99 30

National Center for Education Statistics. 2013. Web. http://nces.ed.gov/fastfacts/display.asp?id..... 25-26

NEA Largely Supports Alexander's ESEA Reauthorization Plan, Education News, http://www.educationnews.org/education-policy-and-politics/nea-largely-supports-alexanders-esea-reauthorization-plan/ 19, 27

Page(s)

Obama Administration Calls for Limits on Testing in Schools, NY Times, October 24, 2015, *http://www.nytimes.com/2015/10/25/us/obama-administration-calls-for-limits-on-testing-in-schools.html* 17

Quality of Worklife Survey. http://www.aft.org/sites/default/files/worklifesurveyresults2015.pdf..... 15

Ravitch, Diane, Linda Darling-Hammond, and Pasi Sahlberg. "What Makes Quality Public Education? Ask the Experts. That's What the Education Union Did." California Teachers Association. Print. http://cft.org/images/k12/docs/CFT_WhitePaper-ExpertsonQualityEducation.pdf..... 13

Richard Freeman *et al*, Bargaining for the American Dream, What Unions Do for Mobility (2011) Center for American Progress 10 Sept. 2011. Print. https://www.americanprogress.org/issues/economy/report/2015/09/09/120558/bargaining-for-the-american-dream/ 13

Page(s)

Robert Carini, Chapter 10- School Reform Proposals: The Research Evidence (2015). Ed. Alex Molnar. N.p.: n.p., n.d. 197-211. Google EBooks. Web. 20 Sept. 2015. https://books.google.com/books?hl=en&lr=&id=i6HDxDk0StYC&oi=fnd&pg=PA197&dq=unions+%22student+achievement%22+carini&ts=FhbVYnJoOp&sig=ClJOqDTE-MneO_3ou5ZNEz-M0hw#v=onepage&q=unions%20%22student%20achievement%22%20carini&f=false.society." 6

Teacher Contends NY State Evaluations Fail Accuracy Test, Wall Street Journal, February 6, 2015, http://www.wsj.com/articles/teacher-contends-n-y-state-evaluations-fail-accuracy-test-1423017078 17

Thomas, Paul Studies Suggest Economic Inequity Is Built Into, and Worsened by, School Systems (2012) 15 May 2012. Web. 20 Sept. 2015. http://www.truth-out.org/news/item/8993-studies-suggest-economic-inequity-is-built-into-and-worsened-by-school-systems/ 7-8

Page(s)

Trymaine Lee, Another Philadelphia Student Dies at a Public School with No Nurse (2014) MSNBC Explore 22 May 2014, Education sec. Web. http://www.msnbc.com/msnbc/another-student-dies-school-no-nurse 10

Waters, Robin. "Teachers' Unions and Collective Bargaining Agreements: Roadblocks to Student Achievement & Teacher Quality or Educational Policy Imperatives?" The Loyola University Chicago Child Law and Education Institute Forum 2013. Web. http://www.luc.edu/media/lucedu/law/centers/childlaw/childed/pdfs/2013studentpapers/waters.pdf..... 11 12

Williams, Michelle. "Labor department finds 'probable cause' for retaliation complaint filed by Holyoke teacher's union president." Mass Live. Advance Digital, 25 Aug. 2015. Web. 20 Sept. 2015. http://www.masslive.com/politics/index.ssf/2015/08/labor_department_finds_probabl.html 22

Page(s)

Examples of Teacher Contract Provisions

The Alfred-Almond Teachers Association Contract, Section VII, http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf 24

The Bethlehem Central Teachers Association Contract, Article VII Section 11, http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf 8

The Campbell-Savona Teachers Association Contract, Article 14, http://seethroughny.net/contracts/school/Campbell-Savona%20-%20T.pdf 9

The Oceanside Federation of Teachers Contract, Article 10 Section 1, http://www.oceansideteachers.org/oftcontract.html 12

The Oceanside Federation of Teachers Contract, Article VII (Hours and Duties of Teachers) http://www.oceansideteachers.org/oftcontract.html 15-16

The Oceanside Teachers Association Contract, Article VII Section 2 "High School" http://www.oceansideteachers.org/oftcontract.html 10, 27

Page(s)

The Port Jefferson Station Teachers Association Contract Article VI http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf..... 20-21

The Port Jefferson Station Teachers Association, Article XIV, http://seethroughny.net/contracts/school/Brookhaven-Comsewogue%20-%20Tx.pdf..... 8

The Port Jefferson Teachers Association Contract, Article VI B http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf..... 29

The Port Jefferson Teachers Association Contract, Section VI J http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf. 18

The Port Jefferson Teachers Association Contract, Section VII B http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf. 6

BRIEF OF CURRENT PRACTICING PUBLIC SCHOOL TEACHERS AND UNION MEMBERS AS *AMICI CURIAE* IN SUPPORT OF THE RESPONDENTS

INTEREST OF *AMICI CURIAE*

Amici are all current practicing public school teachers[1] and members of their local, state, and national unions. Collectively they have over 200 years of teaching experience and over 170 years of union membership. *Amici* have a longstanding interest in public education as well as public education unionism. A full list of the *Amici* and their interest in this case is set forth in Appendix A.

Amici are individuals who have gone into the relatively low paying profession of public education out of love for our country's children. *Amici* have a deep felt and abiding belief that public education is the bedrock of what has made, and what will continue to make, the United States of America a great nation.

This brief is intended to demonstrate that the rule of *Stare Decisis* supports reaffirmation of *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977). *Abood* decided the exact issues raised by Petitioners and their supporters and rejected the

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[1] All parties have consented to the filing of this Brief. Additionally, no attorney for any party has authored this brief in whole or in part, and no person or entity other than *Amici* and their counsel have made any monetary contribution to the preparation or submission of this brief.

arguments by carefully balancing competing and inextricably intertwined interests. *Abood* correctly recognizes the rights of States to establish agency shops which facilitate dedicated teachers engaging in collective bargaining. *Amici* will demonstrate that part of the collective bargaining in which their unions engage involves issues specifically designed to benefit children. Advocacy by public teachers unions of issues directly benefitting students is part of the balanced labor relations framework which *Abood* expressly recognized was province of States to allow in the unique context of public education.

Purported issues of free speech which Petitioners and their supporters rely upon are inextricably intertwined with the appropriate and recognized collective bargaining needs of public school teachers.

Without the ability to effectively engage in collective bargaining, individual teachers will be left voiceless in protecting their livelihoods, the learning environments of their students, and the future of public education. *Amici* therefore appeal to this Court to reaffirm long established precedent which fairly and properly balances competing interests.

SUMMARY OF ARGUMENT

In *Abood*, this Court recognized that a State may require public employees represented by an exclusive bargaining agent to pay their fair share of the costs for that representation. 431 U.S. at 217-232. The ruling by this Court has been reaffirmed. This Court has also ruled recently to not disturb the

basic rule of *Abood*. *See Knox v. Service Employees International Union*, 132 S.Ct. 2227 (2012), and *Harris v. Quinn*, 134 S. Ct. 2618 (2014).

Abood recognizes that certain aspects of collective bargaining by public school teachers are "inherently 'political,' " but nonetheless finds that First Amendment concepts do not prohibit individual States from adopting a labor relations framework which facilitate collective bargaining for public employees. 413 U.S. at 225. "A public employee who believes that a union representing him is urging a course that is unwise . . . is not barred from expressing his view." 413 U.S at 229. *Abood* represents a careful balancing of interests so as to allow unions for public school teachers to effectively engage in collective bargaining and thereby effectively protect both their own interests and the interests of public school students, as well as public education itself, by arguing for a living wage, better classroom conditions and collectively protection.

This is not a case where evolving social standards justify departure from established precedent. While this Court may have abandoned precedent in cases involving changing societal norms impacting things like school segregation, women's rights, abortion, death penalty and gay marriage, the desire of Petitioners to relitigate *Abood* by having this Court reconsider arguments it already considered and rejected in *Abood* does not justify departure from normal rules of Stare Decisis in this case. The free speech issues raised in this case have not changed since 1977.

Petitioners' request to overrule *Abood* must be recognized as a clever way of circumventing the democratic process in States which have declined to enact Right-to-Work laws. It is *Amici*'s opinion, as public school educators with over 200 collective years of teaching, that overruling *Abood* will likely erode teachers' ability to engage through collective bargaining in advocacy for working conditions which benefit both themselves and our children in public school on many levels. Teachers are in a unique position to recognize the needs of children and their voices should not be stifled.

The judgment of the Ninth Circuit should be affirmed.

ARGUMENT

I. *ABOOD* PROPERLY BALANCED COMPETING INTERESTS AND ALLOWS CARING PUBLIC SCHOOL TEACHERS TO IMPROVE THE QUALITY OF PUBLIC EDUCATION

Abood recognized that an employee "may very well have ideological objections to a variety of activities undertaken by the union," but that the First Amendment did not prohibit States from adopting agency shop laws for public employees. 431 U.S. at 222. *Abood* recognized that there were an endless variety of "examples [which] could be multiplied" of issues which arise as part of collective bargaining which any individual teacher might have "an impact on their First Amendment interests." *Id.* However, *Abood* recognized that regula-

tion of labor relations has been left "to the States," 431 U.S. at 223, and that "nothing in the First Amendment" precludes States from adopting collective bargaining frameworks simply because someone can describe part of the collective bargaining process as "political." 431 U.S. at 232.

In this case, the State of California adopted the agency shop laws which require unions to segregate funds used for political lobbying rather than collective bargaining, and set up a mechanism where teachers can opt-out of contributing to the lobbying component of union activities. Union members who choose to opt-out are not deprived of their free speech any more than participants in any democratic process when a vote goes against them. American citizens, who influence national policy through the ballot box, can't withhold taxes that pay for policies with which they disagree. Nor can members of a volunteer fire department refuse to put out a fire at a house in their district that is flying a banner for a candidate they don't like.

Other States have adopted Right-to-Work laws (which *Amici* believe unwise) but which are in line with *Abood*'s recognition that the "National Labor Relations Act leaves regulation of labor relations of state and local governments to the States." 431 U.S. at 223. This Court's "province is not to judge the wisdom" of a State's particular implementation of a labor relations framework, but only to "adjudicate the constitutionality." 431 U.S. at 224-25.

The *Amici* here write to remind the Court that by allowing effective collective bargaining, the State of California, consistent with *Abood*, allows unionized teachers to be advocates for children and public education since issues of importance to public school teachers necessarily overlap with the good of children. Many issues inherent in collective bargaining are inextricably intertwined with good education practices such as smaller classes, which are often a collectively bargained item for local unions with their schools districts. *See* The Port Jefferson Teachers Association Contract, Section VII B *http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf.*

The greatest role of an educator is to be an advocate for the children that have been entrusted to their care. Many of the Respondents in this case, as well as the *Amici* submitting this brief, can advocate for children with great freedom because union members are afforded collectively bargained protections. Despite protestation by some so-called reformers to the contrary, unions are good for education. *See* Robert Carini, Chapter 10- School Reform Proposals: The Research Evidence (2015) Ed. Alex Molnar. N.p.: n.p., n.d. 197-211. Google EBooks. Web. 20 Sept. 2015. https://books.google.com/books?hl=en&lr=&id=i6HDxDk0StYC&oi=fnd&pg=PA197&dq=unions+%22student+achievement%22+carini&ots=FhbVYnJoOp&sig=ClJOqDTE-MneO_3ou5ZNEz-M0hw#v=onepage&q=

unions%20%22student%20achievement%22%20carini&f=false. Teachers who are unionized are often on the frontlines of advocacy for school equity. Unionized educators advance school equity and challenge inequities, inherently preserving First Amendment rights of their members within a balanced labor framework for public employees which States may establish consistent with *Abood*.

Teachers who are free to speak out against inequity that they see in their schools, as well as potential problems with the current fads of excessive testing, corporatization and of no-excuse charter schools, have the ability to do so with the protection of collectively bargained rights. One such example found in local contract language that is bargained through collective bargaining would be to be able to advocate strongly for at risk students. *See* The Oceanside Federation of Teachers Contract, Article 7 Section 2, "High School"), *http://www.oceansideteachers.org/oftcontract.html*.

Paul Thomas, an associate professor at Furman University and renowned researcher on race and equity, notes that economic inequity is built in and worsened by our school systems. He states, "In light of the new research, several components of "no excuses" education reform are likely to increase the current problems with social and educational equity, instead of addressing them." *See* Thomas, Paul Studies Suggest Economic Inequity Is Built Into, and Worsened by, School Systems (2012) 15 May 2012. Web. 20 Sept. 2015. *http://www.truth-out.org/news/item/8993-studies-suggest-economic-*

inequity-is-built-into-and-worsened-by-school-systems/. Unionized teachers, who have collectively bargained rights, are able to speak out about important issues such as the teacher to student ratio when it pertains to teaching special needs students. *See* The Bethlehem Central Teachers Association Contract, Article VII Section 11, *http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf*.

Teachers speak out and have input on appropriate textbooks and materials for students in their district, all which are bargained using the collective bargaining process. *See* The Port Jefferson Station Teachers Association, Article XIV, *http://seethroughny.net/contracts/school/Brookhaven-Comsewogue%20-%20Tx.pdf*.

Teachers who do not benefit from collectively bargained rights are often fired when they stand up and advocate for children and work conditions. A teacher's rights, secured through collective bargaining, empower a teacher to speak up about the inequities they see.

Contrary to what the Petitioners would like the Court to believe, unions protect a teacher's right to free speech. The AFT fought anti-communist loyalty oaths in the 1930's and 1950's. The NEA also protested these oaths in the 1950s. *See* History (American Federation of Teachers) *http://www.aft.org/about/history*. Unions still fight today to allow teachers to speak freely using the collective bargaining process about the conditions in their

schools, about the programming that is used to teach children, and about their working conditions which also influence children. The grievance process, which is collectively bargained, allows unionized teachers to hold districts accountable to the things that have been bargained which meet the educational needs of our nation's children and to secure workplace conditions that allow teachers to do their job to the best of their ability. *See* The Campbell-Savona Teachers Association Contract, Article 14, *http://seethroughny.net/contracts/school/Campbell-Savona%20-%20T.pdf.*

In Ohio, teachers were able to get children the books they needed to learn using the grievance process which was collectively bargained for by their union. *See* 5 Ways Teacher Unions Advocate for Students, Educators (Education Votes) http://educationvotes.nea.org/2012/05/01/5-ways-teacher-unions-advocate-for-students-educators.

Seattle teachers spoke out strongly for class size, nurses, guidance counselors, and janitors. *See* John Higgins, I-1351: Proposal Would Cut Class Sizes, Cost Billions (2014) Seattle Times 11 Oct. 2014, Education sec. Web. *http://www.seattletimes.com/seattle-news/i-1351-proposal-would-cut-class-sizes-cost-billions/.*

Sadly, teacher voices and advocacy are not always respected but because they have been collectively bargained, and inserted into local contract language pursuant to labor relations frameworks established by individual States as contemplated

by *Abood*, teachers can be the guardian of protections that often benefit children in our public schools. A tragic example of this would be a case in Philadelphia where school nurses were reduced significantly from the schools. Philadelphia teachers and parents took to the streets to protest but it was too late for two children who died as a result of having no nurse on duty. *See* Trymaine Lee, Another Philadelphia Student Dies at a Public School with No Nurse (2014) MSNBC Explore 22 May 2014, Education sec. Web. *http://www.msnbc.com/msnbc/another-student-dies-school-no-nurse.*

Amici feel strongly that students need teachers who can fight for their needs that are often cemented into collective bargaining contract language. For example, in local collective bargaining contracts, unions secure extra help for children outside the school day and provide mentoring programs for new teachers and students. *See* The Oceanside Federation of Teachers Contract, Article VII Section 2 "High School" *http://www.oceansideteachers.org/oftcontract.html.* When items such as this are inserted into contract language, teachers can be the guardians of these negotiated items that are often used to help children.

Schools that have unionized teachers often produce students who are higher achievers. In a prominent study done by Arizona State University it was found that students taught by unionized teachers saw increased gains: "Several studies found math, economics and SAT scores in union-

ized schools improved more than in non-unionized schools. Increases in state unionization led to increases in state SAT, ACT, and NAEP scores and improved graduation rates. One analysis attributed lower SAT and ACT scores in the South to weaker unionization there." The impact of unionism on minority students was highlighted, with "minority students [showing] larger high school math gains in unionized schools than those in nonunion schools. And among male students, attending schools with unionized teachers appeared to lower their probability of dropping out of high school." It was also found that "The 12 studies that reported favorable union effects [were] generally more methodologically sound than those that found harmful effects. Studies that reported favorable effects used more extensive statistical controls and were often conducted at the student level. In contrast, studies reporting harmful effects were conducted at the state or district level, which, due to aggregation, are more prone to error." *See* Robert Carini, Chapter 10 School Reform Proposals: The Research Evidence (2015). In fact, in another study, it was found that ". . . excluding teachers from policy-making is dangerous because teachers have vital experience and knowledge and should play a prominent role in policy-making. Teachers are also essential advocates for their students because their needs are bound up with the needs of their students to the extent that concessions for teachers benefit students and enhance teacher quality and student achievement." *See* Waters, Robin. Teachers' Unions and Collective Bargaining

Agreements: Roadblocks to Student Achievement & Teacher Quality or Educational Policy Imperatives? The Loyola University Chicago Child Law and Education Institute Forum 2013. Web. http://www.luc.edu/media/lucedu/law/centers/childlaw/childed/pdfs/2013studentpapers/waters.pdf.

Consistent with *Abood*, States are free to allow agency shop concepts which allow teachers to collectively bargain, at the local level, issues allowing them to effectively and efficiently teach children. For example, a union can collectively bargain for the formation of committees to research and investigate best practices that must be employed in schools to help children. *See* The Oceanside Federation of Teachers Contract, Article 10 Section 1, *http://www.oceansideteachers.org/oftcontract.html*.

In *Amici*'s professional opinion, when teachers can advocate for children using local collectively bargained rights, schools become safer and a more productive place for children.

Another report noted that "there is a strong relationship between union membership and intergenerational mobility. More specifically: areas with higher union membership demonstrate more mobility for low-income children. Using Chetty and others' data, we know that low-income children rise higher in the income rankings when they grow up in areas with high-union membership. A 10 percentage point increase in a geographic area's union membership is associated with low-income children ranking 1.3 percentile points higher in the national income distribution. This relationship between

unions and the mobility of low-income children is at least as strong as the relationship between mobility and high school dropout rates—a factor that is generally recognized as one of the most important correlates of economic mobility. Indeed, union density is one of the strongest predictors of an area's mobility." *See* Richard Freeman *et al*, Bargaining for the American Dream; What Unions Do for Mobility (2011) Center for American Progress 10 Sept. 2011. Print. *https://www.americanprogress.org/issues/economy/report/2015/09/09/120558/bargaining-for-the-american-dream/*.

Furthermore, unions remain a significant predictor of economic mobility even after one controls for several variables including race, types of industries, inequality, and more. Unions seek out respected education researchers and scholars like Diane Ravitch and Linda Darling Hammond to further their vision of education for all children. *See* Ravitch, Diane, Linda Darling-Hammond, and Pasi Sahlberg. "What Makes Quality Public Education? Ask the Experts. That's What the Education Union Did." California Teachers Association. Print. *http://cft.org/images/k12/docs/CFT_WhitePaper-ExpertsonQualityEducation.pdf*.

Amici would also like the Court to know that teachers' unions, and the collective bargaining process, have helped them grow professionally and to sustain their academic standing so that it is rooted in the latest techniques in education. Unions are one of the most significant institutions providing support and assistance to teachers in

continuing their education. For example, *Amici* from New York are encouraged with payment stipends, bargained by their union, to continue their education past their Masters'. Respondent Marla Kilfoyle has a Master's degree plus 75 credits past her Master's. She also, in her 28th year of teaching, chose to go through the prestigious National Board Teaching Process made available to her through the Albert Shanker Grant. Annually, respondent Melissa Tomlinson attends the largest educational professional development conference in the state of New Jersey, as provided by the New Jersey Education Association, over the course of two days. Local, state, and national unions offer courses and opportunities for teachers to stay on the cutting edge of technology and to take up to date courses on the latest educational techniques that are proven to help children. Continuing education is also a bargained component in many States which is beneficial to teachers, children, and public education. *See* Kristin Rawls, 6 Reasons Teachers Unions Are Good for Kids (2012)." Alternet 17 Aug. 2012. Web. *http://www.alternet.org/6-reasons-teachers-unions-are-good-kids.*

Unionized teachers use the collective bargaining process to advocate for their working conditions which are students' learning conditions. In one example, respondent Jamy Brice-Hyde M.Ed., a 17 year teaching veteran in New York, secure in the knowledge that her job was protected by collectively bargained rights, was able to create a team that instituted a national survey on working condi-

tions in public schools. This study revealed the toll current corporate education reform policies are having on the health and well-being of teachers. The American Federation of Teachers partnered with Ms. Brice-Hyde and her team to bring these negative conditions into a national discussion. *See* Quality of Worklife Survey. *http://www.aft.org/sites/default/files/worklifesurveyresults2015.pdf.* The results brought about language inserted into the ESEA Reauthorization Act passed in the United States Senate in July of 2015. This language will provide Title II funding to school districts to research and rectify toxic working environments which in turn influence American educators and children. The National Institute for Occupational Safety and Health (NIOSH) has expressed an interest to partner with Ms. Brice-Hyde and her team and the AFT to create a national annual study of working conditions in our schools. No federal agency has conducted scientific research on the health and well-being of American teachers ever in the history of our nation.

Information from this study can, for example, assist unions, at the local level, to collectively bargain the work conditions for teachers, which as stated, are learning conditions for children. When conditions are not conducive to stable teaching and learning environments, unions can collectively bargain these conditions with the school district. One example would be something as simple as giving a teacher a committed lunch period which administration cannot take away. *See* The Oceanside Fed-

eration of Teachers Contract, Article VII (Hours and Duties of Teachers) *http://www.oceanside teachers.org/oftcontract.html.*

Plaintiffs in this case, and their supporters, have neglected the enormous work being done due to collective bargaining and the unionism that allows unions to collectively bargain work conditions with a school district that are not only for teachers but also provide a stable learning environment for students. A teacher's ability to have input into their work conditions has a positive impact to the learning environments of their students. If *Abood* is overruled in a way that circumvents the democratic process in States which have rejected so called "Right-to-Work" principles, *Amici* believe our nation's children will be the ones to suffer. *Amici* feel, collectively, that union strength to collectively bargain work conditions for teachers and learning conditions for students will be vastly diminished if *Abood* is overturned.

Amicus Dr. Sheri Lederman is a beloved and admired 19 year veteran teacher from Great Neck, New York. Because she was secure in her job through collectively bargained protections, she was able to file a lawsuit against the New York State Department of Education about the flaws in computerized evaluations of teachers based upon standardized test scores. Her lawsuit, which has been reported in numerous national newspapers, has contributed to the recognition of problems caused by excessive testing. *See* Controversial teacher evaluation method is on trial—literally—and the

judge is not amused. Washington Post, August 15, 2015, *https://www.washingtonpost.com/news/answer-sheet/wp/2015/08/15/controversial-teacher-evaluation-method-is-on-trial-literally-and-the-judge-is-not-amused/*; Teacher Contends NY State Evaluations Fail Accuracy Test, Wall Street Journal, February 6, 2015, *http://www.wsj.com/articles/teacher-contends-n-y-state-evaluations-fail-accuracy-test-1423017078.* The lawsuit of Dr. Sheri Lederman, which could only proceed because of protections afforded to her by collective bargaining, has contributed to the dialogue about excessive testing which recently led the President of the United States, as well as State Governors, to call for re-evaluation of the harm caused by excessive testing of public school children. *See* Obama Administration Calls for Limits on Testing in Schools, NY Times, October 24, 2015, *http://www.nytimes.com/2015/10/25/us/obama-administration-calls-for-limits-on-testing-in-schools.html*; Andrew Cuomo calls for Review of Common Core, Newsday, September 3, 2015, *http://www.newsday.com/long-island/education/andrew-cuomo-calls-for-review-of-common-core-standards-curriculum-tests-1.10805427*.

Amici suggest that teachers who are protected by effective collective bargaining protect our children. Teachers act as the front line responders to children, and specifically, to children in trauma. One out of every four children sitting in American classrooms has experienced significant personal or emotional distress. One teacher states, "I've had to switch up my priorities and expectations, not to

mention my acronyms. Today, I'm less concerned with boosting my students' A.P. (Advanced Placement) scores than I am with mitigating the consequences of their high ACE (Adverse Childhood Experiences) scores." *See* Lahey, Jessica. "How Teachers Help Students Who've Survived Trauma." The Atlantic 2 Dec. 2014. Web. http://www.theatlantic.com/education/archive/2014/12/how-teachers-help-kids-heal/383325/. "Teachers who suspect their students may be dealing with violence or other traumatic situations at home are an essential source of stability and support." Teachers save children's lives both physically and emotionally. This is a fact that should not be ignored by the Court. Unions are able to use collective bargaining, for example, to give teachers the freedom to express themselves not just in situations of curriculum but also for children. *See* The Port Jefferson Teachers Association Contract, Section VI J *http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf.*

Teachers need to be able to speak up freely when children are traumatized and victims of violence without fear that they will lose their jobs. *See* Centers for Disease Control. Injury Prevention and Control: Division of Violence Prevention. 13 May. 2014. Web. http://www.cdc.gov/violenceprevention/acestudy/index.html.

Amici hope that they have presented the Court with the many ways that their unions, and their collective bargaining rights, help education and children. Petitioners and some of their supporters

assert, directly or indirectly, that unions invariably support one particular party. Even if this was once true, today there are numerous examples of Democratic aligned politicians at odds with teachers' unions. *See* Cuomo Calls Public School System a Monopoly He wants to Bust, Washington Post, Valerie Strauss, The Answer Sheet, October 29, 2015 *https://www.washingtonpost.com/blogs/answer-sheet/wp/2014/10/29/cuomo-calls-public-school-system-a-monopoly-he-wants-to-bust/*; "9 Billionaires are about to Remake New York's Public Schools, Joseph, George, The Nation, March 19, 2015, *http://www.thenation.com/article/9-billionaires-are-about-remake-new-yorks-public-schools-heres-their-story/*. Moreover, unions have recently been supportive of Republican efforts, led by Senator Lamar Alexander, to reauthorize the Federal No-Child-Left-Behind program. *See* NEA Largely Supports Alexander's ESEA Reauthorization Plan, Education News, *http://www.educationnews.org/education-policy-and-politics/nea-largely-supports-alexanders-esea-reauthorization-plan/*.

The political landscape is complicated and Petitioners' allegations do not justify abandoning well-reasoned precedent which balances completing interests.

Amici are a group of public school teachers with over 200 years of collective service and they can say with strong confidence that the instances presented here would all change without the ability to bargain collectively and without the ability to be an

effective organized unit that fights for children in our public schools.

II. RIGHT-TO-WORK STATES VS. NON RIGHT-TO-WORK STATES AND IMPACT ON EDUCATION

There are 25 States that are currently Right-to-Work States: Alabama, Arizona, Arkansas, Kansas, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming. *Amici* are educators from all over the country, some are from Right-to-Work States and some are not. What *Amici* know is that education and teaching look very different in Right-to-Work States as opposed to unionized States. *Amici* offer their expert opinions to the Court about what teaching and learning look like in a Right-to-Work state as opposed to a unionized state. *Amici* hope that the Court will clearly understand that a reversal could well make our nation a Right-to-Work Nation, one in which teachers cannot effectively organize and use local collective bargaining to better teaching and learning conditions. *Amici* would like the Court to understand, again, that through the right to organize and effectively bargain collectively, teachers unions can negotiate such things as class size caps, training for teachers, and physical plant conditions with a school district. *See* The Port Jefferson Station Teachers Association Contract Article VI *http://www.portjeff.*

k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf.

Abood recognized the central importance of individual States in determining proper frameworks for allowing collective bargaining. This case should not be permitted to become a vehicle for circumventing democratic principles and teacher union rights to negotiate with school districts the working conditions of teachers and the learning condition of students.

In Right-to-Work States teachers are fearful to speak out against policies that they know are not good for education and children. In Right-to-Work States if the district tells a teacher not to speak up, they remain silent. Right-to-Work for many teachers translates to right to be fired at will. The right of teachers to speak up has a strong impact on children, their education, their programming, and their future. *Amici* would like the Court to clearly visualize the impact that being a Right-to-Work nation will have on education, teachers, and most importantly our children.

Respondent Gus Morales, who teaches in Massachusetts (unionized state), did not have his teaching contract renewed in June of 2014. In Massachusetts, during the first three years of employment, school administrators can decide not to rehire a teacher. Respondent Gus Morales was laid off in retaliation for criticizing corporate education "reform" which included testing and "data walls." Those "data walls" post children's names

and standardized test scores on a public bulletin board. This "reform" was designed to humiliate and shame certain children publically and violated their privacy rights. Mr. Morales received glowing performance reviews prior to speaking out in 2014. A month prior to his non-renewal, Morales was elected president of the Holyoke Teachers Association after campaigning on an anti-corporate education "reform" platform. Mr. Morales, because he works in a unionized state, was able to take his case to the state Department of Labor Relations, but more importantly he was able to speak out for children. The state Department of Labor Relations ruled that there was probable cause to indicate that Mr. Morales was fired in violation of school policy. Mr. Morales was reinstated as a teacher in the Holyoke School District in 2014 but in June of 2015 he was not renewed again. Mr. Morales, for a second time, took his case to the state Department of Labor Relations, and for second time the Massachusetts Department of Labor Relations has ruled that there is probable cause that Mr. Morales was fired for speaking out against district policies. *See* Williams, Michelle. "Labor department finds 'probable cause' for retaliation complaint filed by Holyoke teacher's union president." Mass Live. Advance Digital, 25 Aug. 2015. Web. 20 Sept. 2015. *http://www.masslive.com/politics/index.ssf/2015/08/labor_department_finds_probabl.html.* This is a strong example of a teacher's ability in a unionized state to fight an unfair denial of contractual renewal. Had Mr. Morales worked in a Right-to-

Work State he would have been fired with no recourse.

Amici would like to now share the Court a situation in which an excellent young educator in a Right-to-Work States was removed from her positions with no recourse or due process.

In 2014, Knox County Schools (Tennessee) kindergarten teacher Christina Graham spoke out against SAT-10 testing for kindergartners at a Board Meeting. A kindergarten teacher for 3 years at Cooper Ridge Elementary, she was subsequently called into the principal's office about being a representative of her school district. At the end of the 2015 school year, Miss Graham said she was blindsided by the decision not to renew her contract. She said that the only reason given for the move was that she no longer fit the vision for her school. Many parents and teachers spoke out, saying the non-renewal is the district's way of retaliating against a teacher who spoke out against a district initiative. Local news station WATE 6 was able to examine Miss Graham's personnel file and found there were no problems, complaints, or any reasons for her contract not being renewed. *See* Hailey Holloway, Non-renewed Knox County Teacher Speaks to School Board (2015) WATE 6 3 July 2015. Web. *http://wate.com/2015/06/03/non-renewed-knox-county-teacher-speaks-to-school-board/*. The decision to fire Miss Graham has had a staggering influence on the community and on children she taught. Many parents demanded that the school board change the policy of giving no reason for

teachers to be renewed. This shows the devastating impact that Right-to-Work States have on children as young as 5 years old. *See* Becca Habegger, KCS Educators, Parents Concerned about Teacher Contract Renewal Process (2015) WBIR 10 1 July 2015. Web. *http://www.wbir.com/story/news/local/2015/06/04/kcs-educators-parents-voice-concerns-about-teacher-contract-renewal-process/28455039/*.

Amici can cite case upon case where teachers have been protected in unionized States and fired arbitrarily in Right-to-Work States. What *Amici* hope to make clear to the Court, as practitioners with over 200 years of collective public school experience, is that unions not only protect teachers but they also protect children. This can be seen when Mr. Morales stood up against data walls that are used to humiliate children. When an educator is given a free voice to advocate for the learning conditions of children, for accommodations that a child with disabilities may need, or to speak out against any school policy that they feel is not good for children, that is a win for the children in their care. The right for teachers, as well, to collectively bargain such things as school improvement plans on shared decision making teams, only creates stronger schools for our children. *See* The Alfred-Almond Teachers Association Contract, Section VII, *http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf*.

The Court must ask the question "What will a "Right-to-Work Nation" look like not only for the

American teacher but for our nation's children?" The answer is very clear. Our nation will be catapulted back ignoring 100 years of progress in public education. The Petitioners' request to overrule *Abood* must be understood as a direct assault on those States which have rejected "Right-to-Work" concepts in public education and this Court should not overrule established precedent for such thinly disguised political purposes.

III. REVERSAL WILL SET BACK GAINS MADE BY UNIONIZED WOMEN AND UNIONIZED MINORITIES IN THE WORKPLACE

Amici further bring to the Court's attention that overruling *Abood* would set back the gains made by women and minorities who have benefited from collective bargaining, unionism, and agency shop fees. *See* Center for Economic and Policy Research, Unionization Yields Significant Gains in Pay and Benefits for Women Workers (2013), http://www.cepr.net/press-center/press-releases/unionization-yields-significant-gains-in-pay-and-benefits-for-women-workers and Lawrence Mishel, Unions, Inequality, and Faltering Middle-class Wages, (2012) Economic Policy Institute 29 Aug. 2012. Web. *http://www.epi.org/publication/ib342-unions-inequality-faltering-middle-class/*.

The National Center for Education Statistics reported that in the 2011-2012 school year, 76% of public school teachers were women. *See* National Center for Education Statistics. 2013. Web.

http://nces.ed.gov/fastfacts/display.asp?id. Randi Weingarten, American Federation of Teachers President, and Lily Eskelsen García, National Education Association President, are both women. Ms. García is also a Hispanic educator. They are relevant to our argument here and should be considered in the record. *Amici* feel strongly that a ruling in favor of the Petitioners would effectively undercut the vote of women and minorities who make the choice to be represented by unions in the workplace and to have the ability to collectively bargain at the local level their working conditions and the children's learning conditions.

Amici submit that the Petitioners' challenge to *Abood* is not rooted in bona fide free speech concerns but is instead a carefully calculated way to stifle teachers' collective right to protect their workplace conditions and children's learning conditions. Affirming *Abood* does not force any teacher to belong to a particular political party to maintain a job. Indeed, as indicated earlier, while Petitioners and their supporters simplistically claim that unions invariably support the Democratic party, current reform movements blur party lines. The State of New York provides a contemporary example of a well-known Democratic governor directly at odds with the public school teachers' union of that state. *See* Cuomo Calls Public School System a Monopoly He wants to Bust, Washington Post, Valerie Strauss, The Answer Sheet, October 29, 2015 *https://www.washingtonpost.com/blogs/answer-sheet/wp/2014/10/29/cuomo-calls-public-school-*

system-a-monopoly-he-wants-to-bust/. Likewise, teachers' unions have recently been supportive of Republican efforts to reauthorize the Federal No-Child-Left behind program. *See* NEA Largely Supports Alexander's ESEA Reauthorization Plan, Education News, *http://www.educationnews.org/education-policy-and-politics/nea-largely-supports-alexanders-esea-reauthorization-plan/* Simplistic claims that unions are invariably on one side of any issue do not withstand scrutiny. The relevance to this case is that *Abood* contemplates a state created labor relations framework where individual teachers can opt-out of supporting political lobbying efforts if they have an ideological objection to the union's political stance, but simultaneously protect their collective rights to protect their workplace conditions and children's learning conditions within a democratically established labor relation framework established on a state by state basis. Let it be strongly repeated that collective bargaining allows teachers' unions to negotiate with school districts such things as new teacher mentoring programs, parent communications, and strategic planning meetings to address the needs of at-risk students. *See* The Oceanside Teachers Association Contract, Article VII Section 2 "High School" *http://www.oceansideteachers.org/oftcontract.html.*

State created labor relations frameworks which permit opt-out, rather requiring opt-in to political aspects of union representation fully protect any bona fide First Amendment rights of any individual teacher. The transparent effort of Petitioners and

their supporters to undermine the rights of millions of teachers to protect their livelihood and preserve public education should not be countenanced.

CONCLUSION

Overruling *Abood*'s long-established rule would undermine an educator's ability to protect his or her workplace conditions and student learning conditions. In this brief *Amici* have provided the Court with examples of collectively bargained local contracts that clearly protect the working conditions of teachers and show how this process also provides a stable learning environment for children.

Public education itself would be threatened if public school teachers' collective bargaining were undermined by overruling *Abood*. Without the collective bargaining process, many teachers would be forced to remain silent for fear of losing their job. Children would lose the voice of the strongest advocates they have in our nation's schools. Public school teachers speak out, and negotiate in collective bargaining, for special needs children, the poor and marginalized children, for great programs that our children should have, for limits on excessive testing, but most importantly teachers speak out for all the things that kids need to excel in our public schools.

Much as Petitioners argue they have a right not to be part of a union, *Amici* have a right to be part of an effective union. *Amici* feel that with strong collective bargaining rights, teachers' unions can

negotiate strong educational programs that help our children, the ability to insert and define this language in collective bargaining with school districts, teachers can continue to be the watchdogs of programs they negotiate that are good for children and public education. *See* The Port Jefferson Teachers Association Contract, Article VI B *http://www.portjeff.k12.ny.us/download/PDFs/Bargaining_Agreements/Teachers_Association_2013-17.pdf.*

There are over 4.5 million teachers who are unionized in this country and they deserve to have that right preserved by the Court. The Court should reaffirm *Abood* and its long-established balance of interest which promotes labor peace and strengthening worker rights in this country, which have now been extended to women and minorities in the workplace.

Amici conclude by quoting Martin Luther King, Jr.:

> "The labor movement was the principal force that transformed misery and despair into hope and progress. Out of its bold struggles, economic and social reform gave birth to unemployment insurance, old age pensions, government relief for the destitute, and, above all, new wage levels that meant not mere survival but a tolerable life. The captains of industry did not lead this transformation; they resisted it until they were overcome. When in the thirties the wave of

> union organization crested over the nation, it carried to secure shores not only itself but the whole society."

Martin Luther King, Jr., speech to the state convention of the Illinois AFL-CIO, Oct. 7, 1965, *http://www.notable-quotes.com/l/labor_unions_quotes.html#A2mUMlje2RYg5fba.99.*

The judgment of the 9th Circuit should be affirmed.

Dated: November 13, 2015

Respectfully submitted,

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APPENDIX

APPENDIX A

The *Amici* joining in this brief are:

Andy Mitchell is Coordinator of Regional Math Initiatives for the Wayne-Finger Lakes Board of Cooperative Education Services in Newark, NY. He has been teaching for 20 years and a union member for 20 years. Before joining Wayne-Finger Lakes BOCES, he was a member of the Webster Teachers Association, where he worked on the WTA Grievance Committee. He is a member of the New York State United Teachers, the American Federation of Teachers, and the National Education Association. He has a B.S., Elementary Education from Roberts Wesleyan College and M.S. Ed., Reading Teacher from the State University of New York College at Brockport. He is also a graduate of the Massachusetts College of Liberal Arts Leadership Academy. He has an Initial SBL (NY School Building Leader) and a Professional SDL (NY School District Leader). He is a permanently Certified Elementary (PreK-Grade 6 Common Branch), Mathematics (7-12), and Reading Teacher (K-12).

Melissa Tomlinson is a teacher in the Buena Regional School District in New Jersey. She is a Special Education teacher. She has been in education for 14 years and in a union for 7 years. Her local union is the Buena Regional Education Association. She is also a member of her state union, the New Jersey Education Association and a member of the National Education Association. Ms. Tomlinson has a Master's Degree, and certifica-

tions in Elementary Education, Teacher of Students with Disabilities, Curriculum Supervisor, and is currently working towards Administration and Superintendent of Schools certification.

Marla Kilfoyle is a teacher in the Oceanside School District in Oceanside, New York. She has been a teacher and a union member for 29 years. She is a member of the Oceanside Federation of Teachers, New York State United Teachers, the American Federation of Teachers, and the National Education Association. She is Membership Secretary of her local union. Mrs. Kilfoyle has a Bachelors in Social Science, a Master's Degree in Education, PreK-12 certification, and is a National Board Certified Teacher.

Dr. Michael Flanagan teaches in New York City. He has been a high school teacher for 20 years and a union member for 30 years. He is a member of The United Federation of Teachers, the New York State Union of Teachers, the American Federation of Teachers and the American Federation of Labor. He is a union chapter leader. Michael holds a B.A. in History, and M.S.Ed in Special Education and an Ed.D in Special Education Supervision.

Jamy A. Brice-Hyde is a teacher in Horseheads Central School District in Horseheads, New York. She has been a high school social studies teacher for 16 years, currently teaching Advanced Placement curriculum. She is a member of the Horseheads Teachers Association, where she serves on the Executive Council as a building representative

and has previously served six years as the Secretary. She is a member of New York State United Teachers, where she is currently serving on Policy Council, Social Studies Committee, and the Civil and Human Rights Committee, serving as the Co-Chair of the subcommittee on Women's Rights. She is a member of the American Federation of Teachers, where she serves on the Quality of Work Life Committee. Mrs. Bryce-Hyde earned her Bachelor's degree in Business Management from Baldwin-Wallace College in Berea, Ohio and her Master's Degree in Education from Elmira College in Elmira, New York.

Gus Morales taught in Holyoke Public Schools in Holyoke, MA. He is currently fighting to be returned to his teaching position. He has been a union member since 2005 and is currently serving as the president of the Holyoke Teachers Association. This is his ninth year of being an educator with a B.A in English. Additionally, Mr. Morales is working towards earning a Master's of Ed in Curriculum and Instruction as well as a Masters of Arts in English.

Michelle Murphy Ramey teaches in Shoreline, located in Washington State. She is in her 11th year of teaching and 8th year in her union. She belongs to the National Education Association and Washington Education Association. She is a building representative and her local union's secretary. Ms. Ramey has an AA&S degree in Early Childhood Education with a focus on Special Education, a B.A. in Psychology, and a Master's in Reading

and Literacy. She also has an Elementary Education Degree with K-8 teaching certification as well as Professional Certification.

Brittany Alexander is a teacher in Hilliard Tharp Sixth Grade School, in Hilliard City, Ohio. She has been a teacher and a union member for 19 years. She belongs to the National Education Association, Ohio Education Association, and Hilliard Education Association. She has a Master's degree and dual certification.

Heather Poland teaches at Rodriguez Elementary in San Diego, California. She has been a teacher and in her union for 14 years. She belongs to the San Diego Education Association, California Teachers Association, and the National Education Association. Ms. Poland has a multiple subjects teaching credential, single subject teaching credential in English, Reading Specialist Credential, Master's in Education, Curriculum and Design, emphasis in Reading Language Arts.

Tina Andres is a teacher at MacArthur Intermediate School, Santa Ana, California. She has been a teacher and a member of her union for 28 years. She is a member of the Santa Ana Educators Association (SAEA), California Teachers Association (CTA), and the National Education Association (NEA). She has multiple subject teaching credentials.

Rebecca Ritchie is a teacher at Nelsen Middle School in Renton, Washington. She has taught for 25 years and has been a union member for 25

years. She is a member of the Renton Education Association, Rainier UniServ Council, Washington Education Association, and the National Education Association. Ms. Ritchie has a BA in Music Education from Central Washington University and an M.Ed. with an emphasis on technology from City University.

Lee Ann Nolan is a teacher at Drummonds Elementary School in Tipton County, Tennessee. She has been a teacher for 20 years and a union member for one year. She is a member of the Tipton County Education Association, Tennessee Education Association, and the National Education Association. She has a Bachelor's degree in elementary education K-8 and a Master's degree in Curriculum, Instruction, & Assessment. Tennessee is a Right-to-Work State.

Larry Proffitt is a teacher at Dickson Middle School in Dickson County, Tennessee. He has been teaching and a union member for 11 years. Tennessee is a Right-to-Work State. He is a member of the Dickson County Education Association, Tennessee Education Association and National Education Association. He has a Bachelor's degree in Elementary Education, K-8.

Paul Chonka is a teacher at Arts & Technology High School in Marysville, Washington. He has been teaching for 10 years contracted and 5 years as a substitute teacher. He has been in a union for 10 years. He is a member of the Marysville Education Association, Washington Education Associa-

tion, and the National Education Association. He has a professional certification in Biology and General Science, a Bachelor's of Science in Biology from University of Oregon, and a Masters of Education in Curriculum and Instruction from Seattle Pacific University.

Sheri Lederman, Ed.D., is a fourth grade teacher at E.M. Baker Elementary School in Great Neck, NY. She has been teaching for 19 years and holds a bachelor's degree in Psychology from Brandeis University (BA., 1983), a master's degree in Elementary Education from Long Island University, C.W. Post College (M.S., 1997), and a doctorate in Human Development and Educational Psychology from the Learning and Teaching Division of Hofstra University (Ed.D., 2012). Her doctoral dissertation, "The Effect of Executive Function on Science Achievement in Normally Developing 10-Year Olds," was awarded the Hofstra University H. Alan Robinson Award as the outstanding dissertation for the University for the year.

Julianna Krueger Dauble has taught elementary since August 2001 in public schools. She has been in a union since day one of teaching. She has a Bachelor's in Elementary Education, K-8 teaching certificate AND master's in Curriculum, Instruction, and Assessment.